



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

PATENT

Inventor(s): ESCH *et al.*

APPLICATION

Application Serial No. 09/986,468

Group Art Unit: 1754

Filed: November 8, 2001

Examiner: Hendrickson, S.L.

Title: PRECIPITATED SILICAS

TERMINAL DISCLAIMER
(By Attorney)
Re Double-Patenting Rejection

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned petitioner, an attorney of record, is hereby acting for the undernamed entity which is the 100% owner of all rights, title and interests in and to the subject application:

1. by virtue of being the inventor(s) and having not assigned this application
2. as shown by the Assignment recorded on April 23, 2002 on Reel: 012826, Frame: 0367
3. as shown by the attached copy of the Assignment filed for recordal on _____
4. and, if the assignor in that Assignment is not the original owner (inventor(s)), the chain of title from the original owner to that Assignment as recorded on Reel:_____,
Frame:_____, Reel:_____, Frame:_____, Reel:_____, Frame:_____, Reel:_____, Frame:_____

and hereby disclaims (except as provided below) the terminal part of the statutory term of any patent granted on the subject application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened (if at all) by any terminal disclaimer of:

5. any patent granted in regard to U.S. Application No. , filed
6. the earlier granted United States Patent No. **5,925,708**

to which said entity also has legal title. Petitioner hereby reserves the right to extend the term of the patent, which issues on this application, for regulatory delay or otherwise as the law allows.

Petitioner hereby agrees that any patent so granted on the subject application shall be enforceable only for and during such period that it and the patent in the above line numbered 5 or 6 are commonly owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors or assigns.

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